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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,850	05/31/2005	Laurent Gardes	FR 020132	6243
24737 7590 02/03/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
MENDOZA, JUNIOR O				
ART UNIT		PAPER NUMBER		
2423				
MAIL DATE		DELIVERY MODE		
02/03/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/536,850

Applicant(s)

GARDES, LAURENT

Examiner

JUNIOR O. MENDOZA

Art Unit

2423

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/13/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 8-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 8-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/23/2008 have been fully considered but they are not persuasive.

Regarding **claims 1 and 8**, applicant argues that the combination of Ganek and Igawa do not teach "controlling and managing each of a plurality of broadcasting sources of the same video program and shifted with respect to time only in the case of receiving a request for the video program".

However, the examiner respectfully disagrees with the applicant. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., controlling and managing each of a plurality of broadcasting sources of the same video program and shifted with respect to time only in the case of receiving a request for the video program) are not recited in the rejected claim(s) in the same way as the applicant is arguing. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). With respect to claims 1 and 8, Ganek discloses a hybrid video-on-demand system which combines the features of NVOD and VOD systems by first transmitting, in a continuous manner, multiple copies of each program offset by a staggered time interval, abstract and col. 1 lines 41-49, which clearly reads on "a

broadcasting source suitable for ensuring the transmission, on an information transmission network, of several video signals comprising the same video program and shifted with respect to time". Furthermore, Ganek also recites a real time on demand feature which provides at least a portion of a program in order to satisfy a user request, when that request occurs at a point in time that is asynchronous with the start of one of the previously staggered programs, col. 2 lines 30-35, col. 3 lines 14-27; figs 2b-2c and fig 3, which clearly reads on "the controlling and managing means are adapted to control a broadcasting source for broadcasting the video signal as from the given position only in the case of receiving a request for said video signals as from the given position".

Regarding **claims 9 and 15**, applicant argues that the combination of Ganek and Igawa do not teach "identifying a select source of the plurality of sources that provide a video stream at differing temporal shifts, and enabling the select source to provide the video stream based on a request for the video stream".

However, the examiner respectfully disagrees with the applicant. Ganek discloses a hybrid video-on-demand system which combines the features of NVOD and VOD systems by first transmitting, in a continuous manner, multiple copies of each program offset by a staggered time interval, abstract and col. 1 lines 41-49, which clearly reads on "identifying a select source of the plurality of sources that provide a video stream at differing temporal shifts". Furthermore, Ganek also recites a real time on demand feature which provides at least a

portion of program in order to satisfy a user request, when that request occurs at a point in time that is asynchronous with the start of one of the previously staggered programs, col. 2 lines 30-35, col. 3 lines 14-27; figs 2b-2c and fig 3, which clearly reads on "enabling the select source to provide the video stream based on a request for the video stream".

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 2, 4, 8, 9 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ganek et al (Patent No 5,682,597) in view of Igawa et al (Patent No US 7,100,192). Hereinafter, referenced as Ganek and Igawa, respectively.

Regarding **claim 1**; Ganek discloses a system for broadcasting a video program to several destinations (Col. 2 lines 60-67, col. 3 lines 1-5; fig 1), comprising:

a broadcasting source suitable for ensuring the transmission, on an information transmission network, of several video signals comprising the same video program and

shifted with respect to time (Col. 1 lines 41-67; the start of each copy is offset by a staggered time interval),

and means for controlling and managing broadcasting sources that are adapted to ensure temporal shifts between the video signals supplied by the different sources, all of which are proportional to one and the same elementary shift interval (Col. 1 lines 41-67, col. 3 lines 14-48; the start of each copy is offset by a staggered time interval),

and include means for receiving a request for a video signal as from a given position (Abstract col. 2 lines 30-35, col. 3 lines 14-27; figs 2b-2c and fig 3),

wherein the controlling and managing means are adapted to control a broadcasting source for broadcasting the video signal as from the given position only in the case of receiving a request for said video signals as from the given position (Abstract col. 2 lines 30-35, col. 3 lines 14-27; figs 2b-2c and fig 3).

However, it is noted that Ganek fails to explicitly disclose an assembly of broadcasting sources.

Nevertheless, in a similar field of endeavor Igawa discloses an assembly of broadcasting sources (Col. 7 lines 22-28 also exhibited on fig 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ganek by specifically providing the elements mentioned above, as taught by Igawa, for the purpose of including a group of sources that are capable of handling and services a big number of requests.

Regarding **claim 2**, Ganek and Igawa disclose the system of claim 1; Moreover, Ganek discloses that said elementary shift interval is between 1 and 60 seconds (Col. 27-32, col. 4 lines 9-14).

Regarding **claim 4**, Ganek and Igawa disclose the system of claim 1; Moreover, Ganek discloses that the controlling and managing means include: means for receiving a request for a video signal as from a given position (Abstract col. 2 lines 30-35, col. 3 lines 14-27; figs 2b-2c and fig 3).

However, it is noted that Ganek fails to explicitly disclose that each broadcasting source includes an address on the information transmission network allowing, at a destination, the connection to the broadcasting source and the reception of the video signal broadcast thereby and means for addressing, to the requesting destination, the address on the network of the broadcasting source ensuring the broadcast of the video signal.

Nevertheless, in a similar field of endeavor Igawa discloses that each broadcasting source includes an address on the information transmission network allowing, at a destination, the connection to the broadcasting source and the reception of the video signal broadcast thereby (Col. 2 lines 25-52 fig 5),

and means for addressing, to the requesting destination, the address on the network of the broadcasting source ensuring the broadcast of the video signal (Col. 2 lines 25-52, col. 4 lines 36-67; fig 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ganek by specifically providing the elements mentioned above, as taught by Igawa, for the purpose of allowing a reliable connection between the receiver and the source where content can be transmitted at high speeds.

Regarding **claim 8**, Ganek discloses a method of broadcasting a video program to several destinations (Col. 2 lines 60-67, col. 3 lines 1-5; fig 1), comprising:

transmitting, on an information transmission network, several video signals having identical contents from a source (Col. 1 lines 41-67; the start of each copy is offset by a staggered time interval),

which video signals are shifted in time with temporal shifts between the video signals supplied by the different sources, all of which are proportional to one and the same elementary shift interval (Col. 1 lines 41-67, col. 3 lines 14-48; the start of each copy is offset by a staggered time interval),

receiving a request for a video signal as from a given position (Abstract col. 2 lines 30-35, col. 3 lines 14-27; figs 2b-2c and fig 3),

and controlling a broadcasting source for broadcasting the video signal as from the given position only in a case of receiving the request for the video signals as from the given position (Abstract col. 2 lines 30-35, col. 3 lines 14-27; figs 2b-2c and fig 3).

However, it is noted that Ganek fails to explicitly disclose an assembly of broadcasting sources.

Nevertheless, in a similar field of endeavor Igawa discloses an assembly of broadcasting sources (Col. 7 lines 22-28 also exhibited on fig 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ganek by specifically providing the elements mentioned above, as taught by Igawa, for the purpose of including a group of sources that are capable of handling and services a big number of requests.

Regarding **claim 9**, Ganek discloses a method comprising: configuring a source to provide a video stream at differing temporal shifts that are multiples of a common shift interval (Col. 1 lines 41-67; the start of each copy is offset by a staggered time interval),

receiving a request from a station for a video stream starting at a given position in the stream (Abstract col. 2 lines 30-35, col. 3 lines 14-27; figs 2b-2c and fig 3),

identifying a select source based on the given position, enabling the select source to provide the video stream based on the request (Abstract col. 2 lines 30-35, col. 3 lines 14-27; figs 2b-2c and fig 3).

However, it is noted that Ganek fails to explicitly disclose a plurality of sources to provide a video stream and transmitting an Internet address corresponding to the select source to facilitate access to the select source by the station.

Nevertheless, in a similar field of endeavor Igawa discloses a plurality of sources to provide a video stream (Col. 7 lines 22-28 also exhibited on fig 9).

and transmitting an Internet address corresponding to the select source to facilitate access to the select source by the station (Col. 2 lines 25-52, col. 4 lines 36-67; also exhibited on figure 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ganek by specifically providing the elements mentioned above, as taught by Igawa, for the purpose of including a group of sources that are capable of handling and services a big number of requests.

Regarding **claim 15**, Ganek discloses a system comprising: a source that is configured to provide a video stream at differing temporal shifts that are multiples of a common shift interval (Col. 1 lines 41-67; the start of each copy is offset by a staggered time interval),

and a controller that is configured to: receive a request from a station for a video stream starting at a given position in the stream (Abstract col. 2 lines 30-35, col. 3 lines 14-27; figs 2b-2c and fig 3),

identify a select source of the plurality of sources based on the given position, enable the select source to provide the video stream based on the request (Abstract col. 2 lines 30-35, col. 3 lines 14-27; figs 2b-2c and fig 3),

However, it is noted that Ganek fails to explicitly disclose a plurality of sources and transmit an Internet address corresponding to the select source to facilitate access to the select source by the station.

Nevertheless, in a similar field of endeavor Igawa discloses a plurality of sources (Col. 7 lines 22-28 also exhibited on fig 9).

and transmit an Internet address corresponding to the select source to facilitate access to the select source by the station (Col. 2 lines 25-52, col. 4 lines 36-67; also exhibited on figure 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ganek by specifically providing the elements mentioned above, as taught by Igawa, for the purpose of including a group of sources that are capable of handling and services a big number of requests.

4. **Claims 5, 6, 13 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ganek in view of Igawa further in view of O'Callaghan et al. (Patent No 5,477,263). Hereinafter referenced as O'Callaghan.

Regarding **claim 5**, Ganek and Igawa disclose the system of claim 1; however, it is noted that Ganek and Igawa fail to explicitly disclose including at least one destination that includes: means for memorizing a position in the video signal during reception of a first video signal, and means for subsequently receiving a second video signal shifted temporally with respect to the first video signal as from the memorized position.

Nevertheless, in a similar field of endeavor O'Callaghan discloses including at least one destination that includes: means for memorizing a position in the video signal during reception of a first video signal (Col. 5 lines 12-39 also exhibited on fig 8),

and means for subsequently receiving a second video signal shifted temporally with respect to the first video signal as from the memorized position (Col. 5 lines 12-39 also exhibited on fig 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ganek and Igawa by specifically providing the elements mentioned above, as taught by O'Callaghan, for the purpose of providing streaming content to the user with VCR-like functions as reliably and promptly as possible, with a relatively small waiting time.

Regarding **claim 6**, Ganek and Igawa disclose the system of claim 1; moreover, Ganek discloses a receiver for receiving the video signal from the broadcasting sources of the system as claimed in claim 1 (Col. 2 lines 60-67, col. 3 lines 1-5 fig 1).

However, it is noted that Ganek and Igawa fail to explicitly disclose that the receiver comprises: means for memorizing a position in the video signal during reception of a first video signal, and means for subsequently receiving a second video signal shifted temporally with respect to the first video signal as from the memorized position.

Nevertheless, in a similar field of endeavor O'Callaghan discloses that the receiver comprises: means for memorizing a position in the video signal during reception of a first video signal (Col. 5 lines 12-39 also exhibited on fig 8),

a and means for subsequently receiving a second video signal shifted temporally with respect to the first video signal as from the memorized position (Col. 5 lines 12-39 also exhibited on fig 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ganek and Igawa by specifically providing the elements mentioned above, as taught by O'Callaghan, for the purpose of providing streaming content to the user with VCR-like functions as reliably and promptly as possible, with a relatively small waiting time.

Regarding **claim 13**, Ganek and Igawa disclose the method of claim 9; moreover, Ganek discloses identifying a different source based on the different position, enabling the different source (Abstract col. 2 lines 30-35, col. 3 lines 14-27; figs 2b-2c and fig 3).

However, it is noted that Ganek fails to explicitly disclose transmitting a different Internet address corresponding to the different source to facilitate access to the different source by the station.

Nevertheless, in a similar field of endeavor Igawa discloses transmitting a different Internet address corresponding to the different source to facilitate access to the different source by the station (Col. 2 lines 25-52, col. 4 lines 36-67; fig 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ganek by specifically providing the elements mentioned above, as taught by Igawa, for the purpose of allowing a reliable connection between the receiver and the source where content can be transmitted at high speeds.

However, it is noted that Ganek and Igawa fail to explicitly disclose receiving a second request from the station for the video stream at a different position in the stream.

Nevertheless, in a similar field of endeavor O'Callaghan discloses receiving a second request from the station for the video stream at a different position in the stream (Col. 5 lines 12-39 also exhibited on fig 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ganek and Igawa by specifically providing the elements mentioned above, as taught by O'Callaghan, for the purpose of providing streaming content to the user with VCR-like functions as reliably and promptly as possible, with a relatively small waiting time.

Regarding **claim 19**, Ganek, Igawa and O'Callaghan disclose all the limitations of claim 19; therefore, claim 19 is rejected for the same reasons as in claim 13.

5. **Claims 10 – 12 and 16 – 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ganek in view of Igawa further in view of Rao (Patent No 7,278,152). Hereinafter referenced as Rao.

Regarding **claim 10**, Ganek and Igawa disclose the method of claim 9; however, it is noted that Ganek and Igawa fail to explicitly disclose determining that the select source is no longer being accessed, and disabling the select source when it is no longer being accessed.

Nevertheless, in a similar field of endeavor Rao discloses determining that the select source is no longer being accessed, and disabling the select source when it is no longer being accessed (Col. 20 lines 19-25 also exhibited on fig 13B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ganek and Igawa by specifically providing the elements mentioned above, as taught by Rao, for the purpose of saving bandwidth and using such resources for other services that might be required at that moment.

Regarding **claim 11**, Ganek and Igawa disclose the method of claim 10; however, it is noted that Ganek and Igawa fail to explicitly disclose receiving a termination signal, and determining that the select source is no longer being accessed based on the termination sign.

Nevertheless, in a similar field of endeavor Rao discloses receiving a termination signal, and determining that the select source is no longer being accessed based on the termination signal (Col. 20 lines 19-25, col. 21 lines 13-18 also exhibited on fig 13B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ganek and Igawa by specifically providing the elements mentioned above, as taught by Rao, for the purpose of saving bandwidth and using such resources for other services that might be required at that moment.

Regarding **claim 12**, Ganek and Igawa disclose the method of claim 9; however, it is noted that Ganek fails to explicitly disclose retransmitting the Internet address of the select source based on another request for the video stream from another station.

Nevertheless, in a similar field of endeavor Igawa discloses moreover, Igawa discloses retransmitting the Internet address of the select source based on another request for the video stream from another station (Col. 2 lines 25-52, col. 4 lines 36-67; fig 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ganek by specifically providing the elements mentioned above, as taught by Igawa, for the purpose of allowing a reliable connection between the receiver and the source where content can be transmitted at high speeds.

However, it is noted that Ganek and Igawa fail to explicitly disclose subsequently disabling the select source when it is no longer being accessed by either the station or the another station.

Nevertheless, in a similar field of endeavor Rao discloses subsequently disabling the select source when it is no longer being accessed by either the station or the another station (Col. 20 lines 19-25, col. 21 lines 13-18 also exhibited on fig 13B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ganek and Igawa by specifically providing the elements mentioned above, as taught by Rao, for the purpose of saving bandwidth and using such resources for other services that might be required at that moment.

Regarding **claims 16, 17 and 18**, Ganek, Igawa and Rao disclose all the limitations of claims 16, 17 and 18; therefore, claims 16, 17 and 18 are rejected for the same reasons as in claims 10, 11 and 12, respectively.

6. **Claims 14 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ganek in view of Igawa further in view of O'Callaghan further in view of Rao.

Regarding **claim 14**, Ganek, Igawa and O'Callaghan disclose the method of claim 13; however, it is noted that Ganek, Igawa and O'Callaghan fail to explicitly disclose determining that the select source is no longer being accessed, and disabling the select source when it is no longer being accessed.

Nevertheless, in a similar field of endeavor Rao discloses determining that the select source is no longer being accessed, and disabling the select source when it is no longer being accessed (Col. 20 lines 19-25, col. 21 lines 13-18 fig 13B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ganek, Igawa and O'Callaghan by specifically providing the elements mentioned above, as taught by Rao, for the purpose of saving bandwidth and using such resources for other services that might be required at that moment.

Regarding **claim 20**, Ganek, Igawa, O'Callaghan and Rao disclose all the limitations of claim 20; therefore, claim 20 is rejected for the same reasons as in claim 14.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Junior O Mendoza
Examiner
Art Unit 2423

/J. O. M./
January 30, 2009

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423